

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL ACTION NO. 1:17-CV-026-GCM-DCK**

**CHERYL A. RICHARD,**

**Plaintiff,**

**v.**

**NANCY A. BERRYHILL,**

**Defendant.**

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**ORDER**

**THIS MATTER IS BEFORE THE COURT** on the “Consent Motion For Fees Pursuant To The Equal Access To Justice Act 28 U.S.C. § 2412(d)(1)(A) And Costs” (Document No. 21) filed June 12, 2018. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, and noting that Defendant’s counsel does not oppose the motion, the undersigned will grant the motion. Plaintiff should be awarded attorney fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), in the amount of \$5,000.00.

**IT IS, THEREFORE, ORDERED** that the “Consent Motion For Fees Pursuant To The Equal Access To Justice Act 28 U.S.C. § 2412(d)(1)(A) And Costs” (Document No. 21) is **GRANTED**, to the extent that the Court will award attorney fees in the amount of \$5,000.00, and that pursuant to Astrue v. Ratliff, 560 U.S. 586 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, those funds will be made payable to Plaintiff and mailed to Plaintiff’s counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not

owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA fees, and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

**SO ORDERED.**

Signed: June 14, 2018

  
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David C. Keesler  
United States Magistrate Judge

